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PATENT
Attorney Docket No. 402090/SKYEPHARMA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

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MISHRA et al.

Group Art Unit: 1617

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Application No. 09/376,487

Examiner: E. Webman

Filed: August 18, 1999

For: INJECTABLE AQUEOUS DISPERSIONS
OF PROPOFOL

#26

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ within any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or*
- ☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- ☒ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☒ No fee is owed by the applicant(s).
☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$.
☐ Charge Deposit Account No. 12-1216 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of Mishra et al.
Application No. 09/376,487

Instructions as to Overpayment

☒ Credit Account No. 12-1216.
☐ Refund

Respectfully submitted,



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Date: 12/10/02
LCO:ves

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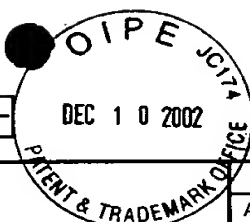
Substitute for form 1449A/B/PTO <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(Use as many sheets as necessary)</p>		Complete if Known <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/376,487</td> </tr> <tr> <td>Filing Date</td> <td>August 18, 1999</td> </tr> <tr> <td>First Named Inventor</td> <td>MISHRA</td> </tr> <tr> <td>Group Art Unit</td> <td>1617</td> </tr> <tr> <td>Examiner Name</td> <td>E. Webman</td> </tr> <tr> <td>Attorney Docket Number</td> <td>402090/SKYE PHARMA</td> </tr> </table>		Application Number	09/376,487	Filing Date	August 18, 1999	First Named Inventor	MISHRA	Group Art Unit	1617	Examiner Name	E. Webman	Attorney Docket Number	402090/SKYE PHARMA
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Attorney Docket Number	402090/SKYE PHARMA														
Sheet	1 of 3														

OTHER - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**
	1	"Diprivan 1% Injection," Physicians' Desk Reference, 1996, pp. 2833-39.		
	2	"Diprivan 1% Injection," Physicians' Desk Reference, 1999, pp. 3411-18.		
	3	Arduino, M.J. et al., "Microbial Growth and Endotoxin Production in the Intravenous Anesthetic Propofol", Infection Control and Hospital Epidemiology, Vol. 12, No. 9, September 1991, pp. 535-539.		
	4	Babl et al., "New Formulations of Propofol in an LCT/MCT Emulsion: Approach to Reduce Pain on Injection", Eur. Hosp. Pharmacy, January 1995, Vol. 1, No. 1, pp. 15-21.		
	5	Bangham et al., "Diffusion of Univalent Ions Across the Lamellae of Swollen Phospholipids," J. Mol. Biol., 1965, 13:238-251.		
	6	Bennett et al., "Postoperative Infections Traced to Contamination of an Intravenous Anesthetic, Propofol", Vol. 333, No. 3, July 20, 1995, pp. 147-154.		
	7	Benz et al., "Electrical Capacity of Black Lipid Films and of Lipid Bilayers made from Monolayers," Biochimica et Biophysica Acta, 1975, 394:323-334.		
	8	Bergmann, Ludwig, Der Ultraschall, 5 Aufl., 1949, Stuttgart, pp. 551-564 and 665-677.		X
	9	Bittman, Robert, "Sterol-Polyene Antibiotic Complexation: Probe of Membrane Structure," LIPIDS, Vol. 13, No. 10, pp. 686-691 (1978).		
	10	Cairns et al., "Tolerance of Mixed Lipid Emulsion in Neonates: Effect of Concentration", Archives of Disease in Childhood, 1996, Vol. 75, p. F113-F116.		
	11	Cherny, Leonid S., "Tetracaine Hydroiodide: A Long-Lasting Local Anesthetic Agent for the Relief of Postoperative Pain," Anesthesia and Analgesia, Vol. 42, No. 4, July-Aug. 1963, pp. 477-481.		
	12	Crowther et al., "Growth of Microorganisms in Propofol, Thiopental and a 1:1 Mixture of Propofol and Thiopental", Anesth. and Anal., (1996), 82, pp. 475-478.		
	13	Cudd et al., "Liposomes Injected Intravenously into Mice Associate with Liver Mitochondria," Biochimica et Biophysica Acta, (1984), 774:169-180.		
	14	De Sommer et al., "A Comparative Study on the Effects of Propofol in Emulsion and Intralipid® on Fat Metabolism," Acta Anesthesiologica Belgica, Vol. 41, No. 2, 1990, pp. 133-138.		
	15	Dewandre et al., "A Comparison of the 2% and 1% Formulations of Propofol During Anaesthesia for Craniotomy," Anesthesia, 1994, Vol. 49, pp. 8-12.		
	16	Doenicke, A.W. et al., "Pharmacokinetics and Pharmacodynamics of Propofol in a New Solvent", Anesth. Analg., (1997), 85:1399-403.		
	17	Doenicke, A.W. et al., "Reducing Pain During Propofol Injection: The Role of the Solvent", Anesth. Analg., (1996), 82:472-4.		

Examiner Signature	Date Considered	
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- * A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 3

Complete if Known

Application Number	09/376,487
Filing Date	August 18, 1999
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Group Art Unit	1617
Examiner Name	E. Webman
Attorney Docket Number	402090/SKYE PHARMA

OTHER - NON PATENT LITERATURE DOCUMENTS

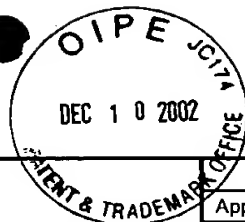
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**
	18	Eddleston et al., "The Effect on Serum Lipid Concentrations of a Prolonged Infusion of Propofol - Hypertriglyceridaemia Associated with Propofol Administration," Intensive Care Med., (1991), 17:424-426.		
	19	Ewart et al., "Forum: 2% Propofol for Sedation in the Intensive Care Unit, A Feasibility Study", Anaesthesia, February 1992, Vol. 47, No. 2, pp. 146-148.		
	20	Freeman, Andrew B., "A Technique for Reducing Pain Associated with Propofol Administration," Anesth. Analg., 1992, 74:311-319.		
	21	Ghouri et al., "Effect of Flumazenil on Recovery after Midazolam and Propofol Sedation", Anesthesiology, (1994), 81:333-339.		
	22	Goodman & Gillman's The Pharmacological Basis of Therapeutics, 7 th Ed., MacMillan Publishing Co., New York, 1985. p.312.		
	23	Gottardis et al., Effect of Prolonged Sedation with Propofol on Serum Triglyceride and Cholesterol Concentrations, British J. Anaesthesia, (1989) 62:393-396.		
	24	Gregoriadis, Gregory, "The Carrier Potential of Liposomes in Biology and Medicine", The New England Journal of Medicine, September 23, 1976, Vol. 295, pp. 704-710.		
	25	Haung et al., "Interaction of the N-terminus of Sterol Carrier Protein 2 with Membranes: Role of Membrane Curvature," Biochem. J., (1999), 344:593-603.		
	26	Haynes et al. "Ultra-Long Duration Local Anesthesia Produced by Intra-Dermal Injection of Lecithin-Coated Methoxyflurane Microdroplets", Proceed. Intern. Symp. Control. Rel. Bioact. Mater., (1987), 14:293-294 (Extended abstract)		
	27	Haynes et al., "Ultra-long-duration Local Anesthesia Produced by Injection of Lecithin-coated Methoxyfluorene Microdroplets", Anesthesiology, November 1985, Vol. 63, No. 5, pp. 490-499.		
	28	Haynes, Duncan H., "Divalent Cation-Ligand Interactions of Phospholipid Membranes: Equilibria and Kinetics," Metal-Ligand Interactions in Organic Chemistry and Biochemistry, Pullman and Goldblum, Eds., part 2, ©1977, pp. 189-212		
	29	King et al., "Lidocaine for the Prevention of Pain Due to Injection of Propofol," Anesth. Analg., 1992, 74:246-249.		
	30	Kirkpatrick et al., "Local Anesthetic Efficacy of Methoxyflurane Microdroplets in Man," Anesthesiology, 1987, 67(3A):A254, Abstract only.		
	31	Lindholm, Marianne, "Critically Ill Patients and Fat Emulsions," Minerva Anesthesiology, 1992, Vol. 58, No. 10, pp. 875-879.		
	32	Mangar et al., "Tourniquet at 50 mm Hg Followed by Intravenous Lidocaine Diminishes Hand Pain Associated with Propofol Injection", Anesth. Analg., (1992), 74:250-252.		
	33	Mirakhur et al., "Induction Characteristics of Propofol in Children: Comparison with Thiopentone", Anaesthesia, (1998), 43:593-598.		
	34	Mishra et al., "Scientifically Speaking: Novel Injectable Formulations of Water-insoluble Drugs", Controlled Release Newsletter, Vol. 17, Issue 2, June 2000, pp.21-30		
	35	Nichols, Ronald Lee, "Bacterial Contamination of an Anesthetic Agent," New Engl. J. Med., (1995), 333(3), 184-185.		

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			Yes	No**
	36	Rompp, "Emulsion", Chemie-Lexikon, 2 Aufl., Bd. 1, 1950, Stichwort.		
	37	Ross, et al., "Aqueous Solutions of Surface-Active Solutes", Colloidal Systems and Interfaces, © 1988, p. 148-151		X
	38	Sande et al., "Antimicrobial Agents: Antifungal and Antiviral Agents," p. 1219-1222.		
	39	Sandstrom et al., "Structured Triglycerides Were Well Tolerated and Induced Increased Whole Body Fat Oxidation Compared With Long-Chain Triglycerides in Postoperative Patients," Journal of Parenteral and Enteral Nutrition, (1995), 19(5):381-6.		
	40	Sklar, Grant E., "Propofol and Postoperative Infections," The Annals of Pharmacotherapy, (1997), 31:1521-3.		
	41	Smith et al., "Propofol: An Update on its Clinical Use," Anesthesiology, Oct. 1994, Vol. 81, No. 4, pp. 1005-1043.		
	42	Sosis et al., "Growth of Staphylococcus aureus in Four Intravenous Anesthetics," Anesth. Anal., (1993), Vol. 77, pp. 766-768		
	43	Sosis et al., "Propofol, but not Thiopental, Supports the Growth of Candida albicans," Anesth. Anal., (1995), Vol. 81, pp. 132-134.		
	44	Stark, et al., "A review of the safety and tolerance of propofol ('Diprivan'), Postgraduate Medical Journal, 1985, Vol. 61, Suppl. 3, pp. 152-156.		
	45	Stenz et al., "A new physiologically approached in vitro test for quick evaluation of the hemolytic activity of surfactants," Pharmazie, (1996), 51(5), pp. 283-287.		
	46	Tessler et al., "Growth curves of Staphylococcus aureus, Candida albicans, and Moraxella osloensis in propofol and other media", Can. J. Anaesth., 1992, 39 (5), pp. 509-511.		
	47	White et al., "Sedative Infusions During Local and Regional Anesthesia: A Comparison of Midazolam and Propofol", J. Clin. Anesth., Jan/Feb 1991, Vol. 3, pp. 32-39.		
	48	Wu et al., "Pharmacokinetics of Methoxyflurane after its Intra-dermal Injection as Lecithin-Coated Microparticles", Journal of Controlled Release, 1989, Vol. 9, pp. 1-12.		

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